Remarks

This response is to the Office Letter mailed in the above-referenced case on March 27, 2001. In the Office Letter the Examiner has rejected claims 17-33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of U.S. patent No. 6,076,109. Claims 17-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. patent No. 5,727,159. Applicant herein supplies the proper terminal disclaimers in order to overcome the rejections.

Claims 17-19, 21-25, 27-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra et al. (U.S. Pat. No. 5,953,506) hereinafter Kalra. Claims 17-19, 21-25, 27-31 and 33 are rejected under 103 wherein the rejection in paper No. 3 10/4/00 applies fully. Claims 20, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra in view of Parsons Jr. et al. (U.S. 6,085,247) hereinafter Parsons. The rejection of claims 20, 26, and 32 in paper No. 3 also applies fully. Claims 17-19, 21-25, 27-31 and 33 are rejected under 103(a) as being unpatentable over Hunt et al (US 5,764,235) hereinafter Hunt.

In the last Amendment filed by applicant, applicant pointed out to the Examiner the filing date of the reference of Kalra, December 17, 1996, as being filed after the priority date of the present invention. Applicant corrected the specification under the section entitled "Cross-Reference to Related Applications" to clarify the fact that the present case is a divisional application of U.S. Application No. 08/791,249 filed 1/30/97, which is a continuation-in-part application from copending US patent application S/N 08/629,475, filed April 10, 1996. Applicant asserts that the claims in the present application are fully supported

in the disclosure filed 4/10/96. Therefore the art of Kalra must be removed as not being a valid reference.

The Examiner responded by stating that the transposition of data "without further negotiation with the client" is apparently not disclosed in Kikinis 6,076,109. Applicant respectfully points out that applicant relies on the application No. 08/629,475, now U.S. 5,727,159 filed 4/10/96 as recited above. Therefore, applicant continues to assert that Kalra is invalid art, and must be withdrawn.

Applicant further argues the merits of Kalra in regards to applicant's claims as amended. Applicant herein amends the independent claims in the present case to include HTML files in the data.

Kalra is based on handling multimedia graphic and sound digital data exclusively and has no provision what so ever to deal with text or more specifically HTML. Applicant's invention is primarily concerned with text in an HTML format and compressing the HTML data. In Kalra column 4 lines 8-12 (and elsewhere throughout the document) several formats including VRML and MPEG are mentioned as examples of the formats Kalra is capable of operating in but no mention is made of HTML anywhere in the text. All of the formats mentioned in Kalra are capable of handling only graphic or sound data, not textual information.

Kalra does not use a proxy server, only a server. The protocols are different for a proxy server than for a server. A proxy server is an intermediary between the client and the server and must have protocols for dealing with both in addition to carrying out special functions not available in servers.

In Kalra column 2 lines 24-26 the following statement is made: " It is a further object of the present invention to provide a method and apparatus that allows minimal processing by the server to achieve the objects recited above." Under applicant's invention it is the primary objective of the Proxy server to carry out most of the processing.

In Kalra the client restrictions are always limited to user specified preferences for quality of video as compared to quality of audio and using these preferences to determine the appropriate data stream to present to the client. In applicant's invention the client restrictions are based on hardware limitations, not just preferences by the client, and these hardware limitations then determine the degree of compression required of the proxy server for presentation on the client's device. Under Kalra the limitations or preferences have more to do with time of presentation and time available to the user than in real equipment limitations on the presentation.

The compression algorithms of the proxy server required under applicant's invention must be considerably more complex. You can remove a great deal of data from a graphic image and still have a recognizable image but you can not do the same thing with textual material and still retain a comprehensible meaning. Under Kalra the initial stream might have only 30 percent of the data, like on TV where they blank out the face with large blocks where all the pixels have the same value, but you can still tell it is a head. The next stream might have 50 % of the data and so on up to 100% with each subsequent stream adding to the complexity of the image. But you cannot do the same thing with text without the meaning being totally destroyed.

Applicant believes the independent claims are clearly patentable over Kalra, not only because it's invalid art, but also on it's merits as stated above.

Regarding the rejections involving Hunt, applicant responds to the Examiner's comments paragraph by paragraph using the numbering provided by the Examiner.

Examiners Paragraph 7.1-

Hunt deals with graphic-based images like Kalra and has no provision for

dealing with textual information. Hunt uses stored information, not real time conversion of data. Hunt does not utilize a proxy server. Communication with the client is limited to quality-size trade off for graphical images requested by the client and determining bandwidth available for transmission. Hunt is primarily concerned with "saving precious network bandwidth"(abstract).

The examiners comparisons using the streams analogy is drawn from Kalra not Hunt. Hunt makes no reference to streams in any way in the references cited by the Examiner. Hunt, in column 2 lines 15-30, only talks about compression or customizing a graphical image and then mentions that a high quality image can also be sent but the context implies that only one image is sent per client request and the criteria for which it is sent is based on customer request not hardware limitations.

The examiner uses the word information to apply to "set of files". The word information used in the abstract applies specifically to client and or server-supplied information where the context is such as to indicate that the word information is related to client limitations vis-a-vis quality size trade off, not data for the information requested. In applicant's invention claim 17, a set of files relates to handling of data and transposing same, not the limitations communicated to the proxy server. Since Hunt has no provisions for dealing with HTML text data the use of the word information in that context does not make sense and would not be obvious to one with skill in the art.

In view of the above arguments, it is clear that the Hunt is not properly interpreted by the Examiner and cannot read on applicant's claim 17. Therefore claim 17 is patentable over the art of Hunt.

Examiners Paragraph 7.2

The reference by the Examiner who again uses the Kalra terminology says

that you start with one file and end with one file only smaller. It does not talk about compressing several files in to one file as per applicant's claimed invention, only compressing a single graphical file into a smaller single file. The plural is used on Hunt's line 50 of col. 1, but in reference to the same file. On line 51 the singular is used but the context is clear that only one file is compressed into one smaller file. The compression technique mentioned is JPEG and only deals with single files.

Examiners Paragraph 7.4

The limitations of claim 21 have been added to the independent claims and the claim is therefore canceled. The merits of claim 21, now included in the independent claims are argued as follows:

Hunt does not disclose that the server transposes HTML files. The Examiner did not read the passage in context. The Web browser is identified as the client in column 5 line 38-39. Lines 44-46 identify the Web browser as the recipient of the HTML page, not the server. The client (Web browser) then searches the HTML page for graphic flags indicating graphic image files and requests same. This is all done by the client, not the server, and no transposition of HTML files is carried out by the server. For the type of device proposed by applicant's invention the operations described here would have to be conducted by the proxy server, the client would be incapable of carrying out these operations without the proxy server, and none of that is possible under Hunt because Hunt cannot deal with, and has no provisions for dealing with HTML data.

Examiners Paragraph 7.5

Hunt does not disclose that the client transfers information to the server

particular to hardware or software. Hunt uses the term "information" in the references sited by the examiner, which is later expanded on and identified as image control information (Column 2 lines 39-40) and quality size tradeoff (Column 2 line 50). Nowhere in the text or the claims is any reference made to the communication between the client and the server related to Hardware or software capabilities of the client, only quality size tradeoff of a graphic image.

Because of the discourse described in Column 5 lines 34-55 of Hunt, one can assume that Hunt presupposes that the client has been using the Web browser and has thus been connected to the server prior to finding an image that the client wishes processed and thus having preset quality size tradeoff information established at **log on** would be inappropriate or even unknown by client. The client would want to make this discrimination based on the size of the image. Why compress a small image, on the other hand it would be essential to compress a large image file just to view that file to see if it contained information desired. In column 2 lines 44-56 it is stated that the order is: request an image, negotiate quality size tradeoff and then transmit image to client. Throughout Hunt this is the order or sequence specified. This makes sense, because at log-on to the server the client does not even know that an image will be requested for compression. As disclosed in applicant's invention it is essential to further communication that the proxy server be aware of the client's hardware and software limitations.

As argued above, claims 23 and 29, as amended, are clearly patentable over the art of Hunt. Claims 24-26, 28, and 30-33 are patentable on their own merits, as argued above, or at least as depended from a patentable claim. Claim 27 is herein canceled as it's limitation has been added to the base claim by Amendment.

Applicant respectfully requests the rejections presented by the Examiner be withdrawn, as all of the claims presented for examination have been shown to be patentable over the art of Kalra and Hunt. It is therefore respectfully requested that this application be reconsidered, the claims be allowed, and that this case be

passed quickly to issue.

If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

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Version With Markings to Show Changes Made

In the claims:

17. (Once Amended) A computing system comprising:

a client; and

a server having server control routines and connected to the client by a data link;

wherein the server control routines, upon a request to download by a client, determine one or both of hardware or software characteristics of the client, transpose data, including HTML files, without further negotiation with the client, and transmit the transposed data to the client in a form specifically adapted to the characteristics of the client, and wherein, in the transposing, a first set of files is transposed into a second set of files fewer in number than the first set of files.

23. (Once Amended) A server in a client-server system comprising:

a data port adapted for connecting to a client;

a facility for accessing data, including HTML files to be transferred to the client; and

control routines for managing data preparation and transfer to the client:

wherein the control routines establish hardware or software characteristics of the client and, in response to a download request from the client, prepare and transmit data to the client in a form specifically adapted to the characteristics of the client, and wherein the control routines, in preparing the data for transfer to the client, transpose, without further negotiation with the client, a first set of files into a second set of files fewer in number than the first set of files before transferring the data to the client.

29. (Once Amended) A method for transferring data, including HTML files, originally comprising multiple files by a server to a client, comprising steps of:

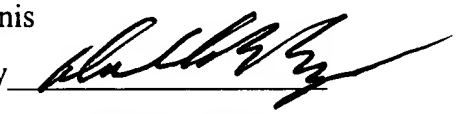
(a) determining at the server, upon a request to download by a client, specific hardware or software characteristics of the client;

(b) transposing the data, without further negotiation with the client, according to the specific characteristics of the client, including reducing the number of files comprising the data; and

(c) transferring the transposed data to the client over a data link connecting the client to the server.

Respectfully Submitted,

Dan Kikinis

by 

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